XI HC—7

(16)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MAC 1287/07 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	APPELLANT/ CLAIMANT	Guharam, S/o Badaku Bhaina, aged 22 years, R/o Village – Loharsi Son Post – Chilhanti Tah- Masturi, District- Bilaspur (C.G.)
		Versus
	NON-APPLICANTS : 1.	Namdar Khan, S/o Abbas Khan, R/o infron of Mazar Simga, District – Raipur (C.G.)
	2.	Rajendra Sethia, S/o Kanmatiji Sethia, aged 55 years Proprietor – Bes-com Transport Company, R/o Heerapur, Raipur (C.G.)
	3.	Branch Manager, Oriental Insurance Limited, Branch Dhamtari (C.G.)

(Appeal under Section 173 of the Motor Vehicles Act, 1988)

Division Bench

Hon'ble Mr. L.C. Bhadoo &
Hon'ble Mr. Sunil Kumar Sinha, JJ

13.11.2007

Heard Mr. I.S. Sahu, counsel for appellant.

The appellant has preferred this appeal for enhancement of compensation amount, being aggrieved by the award dated 8th October, 2007 passed by 1st Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 280/2006, whereby the learned

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(17)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Tribunal has passed an award to the tune of Rs.21,000/- i.e. Rs.1,000/- under medical expenses, Rs.5,000/- under pain & suffering, Rs.5,000/- for special diet and Rs.10,000/- for sustaining grievous injury.

In para 13 of the award, the Tribunal has observed that the certificate Ex.P-7 has been produced by the claimant regarding sustaining of 25% temporary disability. The Tribunal further held that neither certificate has been produced regarding permanent disability nor any Doctor has been examined in order to establish that the claimant has sustained any permanent disability.

Having heard learned counsel for the appellant, we are of the considered opinion that the finding of the Tribunal is based on sound reasoning, as the appellant has failed to produce legal & cogent evidence in order to establish that he sustained permanent disability. Neither Doctor has been examined nor any certificate has been produced that the claimant sustained any permanent disability, therefore, the compensation awarded by the Tribunal is just, fair and reasonable.

In the result, the appeal, being devoid of merit, is liable to be dismissed and it is hereby dismissed *in limine*.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge

Amit